

ENTERED

May 10, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

ALDO RIGOBERTO GUERRA-GUEVARA,
Defendant§
§
§
§
§
§

CRIMINAL NO. 4:19-cr-363-S

FINAL ORDER OF FORFEITURE OF 27774 MUCKLEROY RD, TEXAS

Based upon the United States' Motion for Final Order of Forfeiture for 27774 Muckleroy Road, Hempstead, Texas, the Court hereby finds:

1. On October 23, 2020, Defendant Aldo Rigoberto Guerra-Guevara ("Defendant") pleaded guilty, pursuant to a written plea agreement, to Conspiracy to Possess with Intent to Distribute a Controlled Substance (Count One) and Conspiracy to Commit Money Laundering (Count Two) as charged in the Superseding Indictment. (Doc. 145).

2. On October 26, 2020, the Court entered a Preliminary Order of Forfeiture which ordered the forfeiture of the real property located at 27774 Muckleroy Road, Hempstead, Texas. (Doc. 194). The property was described in the Preliminary Order of Forfeiture as all improvements, buildings, structures, and appurtenances located at 27774 Muckleroy Road, Hempstead, Texas, and further described as:

Surface only of a certain 10.9069 acre tract of land being that certain called 10.915 acre tract of land as conveyed to Francis D. Rex and wife, Claudia L. Rex by instrument recorded in Volume 347, Page 162 of the of the Official Public Records of Waller County, Texas and being more particularly described by metes and bounds;

A tract or parcel of land containing 1.01 acres, being out of a certain called 10.915 acre tract known as Tract 3 as per partition deed recorded in volume 314, page 699 of the Waller County Deeds Records and being more particularly described by metes and bounds.

3. Notice of the forfeiture was published on an official government website, www.forfeiture.gov, for at least thirty days, notifying third parties of their right to petition the Court within thirty days for a hearing to adjudicate the validity of their alleged legal interest in the property. (Doc. 228).

4. The property is titled to Defendant, Aldo Rigoberto Guerra-Guevara. Defendant agreed to the forfeiture of the real property as part of his plea agreement. (Doc. 191, p. 8, ¶ 17).

5. The United States provided direct written notice of the Preliminary Order of Forfeiture by serving a Notice of Forfeiture and a copy of the Preliminary Order on Ana Miriam Guerra, Defendant's wife. (Doc. 203).

6. No one has filed a petition in connection to the property and the time to do so has expired.

7. The real property at 27774 Muckleroy Road, Hempstead, Texas (hereinafter the "Property") is more specifically described as follows:

TRACT 1

Surface only of a certain 10.9069 acres of land, (475,103 Square Feet), situated in the McLin Bracey Survey, Abstract No. 15, Waller County, Texas, said 10.9069 acre tract of land being out of and a part of that certain 32.745 acre, (called 31 acre), tract of land as conveyed to Camille Barnes by instrument recorded in Volume 51, Page 298, of the Deed Records of Waller County, Texas, said 10.9069 acre tract of land being that certain called 10.915 acre tract of land as conveyed to Francis D. Rex and wife, Claudia L. Rex by instrument recorded in Volume 347, Page 162 of the Official Public Records of Waller County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an iron pipe set in the south fence line of said 32.745 acre tract of land for the southwest corner of this tract and the southeast corner of said Tract 1, said iron pipe bears N 86°58'54" E 254.54 feet from the southwest corner of said 32.745 acre tract of land;

THENCE N 00°24'56" W far the west line of the tract and the east line of said Tract 1, 1634.74 feet to the iron pipe set in the north fence line of said 32.745 acre tract of land for the northwest corner of this tract and the northeast corner of said Tract 1;

THENCE N 85°9'20" E along the north fence line for the north line of this tract,

75.23 feet to an angle point in said north fence line;

THENCE N 89°50'18" E along the said north fence line for the north line of this tract, 215.75 feet to an iron pipe set for the northeast corner of this tract and the northwest corner of said Tract 3

THENCE S 00°24'56" E for the east line of this tract and the west line of said Tract 3, 1632.52 feet to an iron pipe set in the south fence line of said 32.745 acre tract of land for the southeast corner of this tract and the southwest corner of said Tract 3:

THENCE: in a westerly direction along the south fence line for the south line of this tract, the following calls: (1) S 87°40'36" W, 23.10 feet, (2) S 88°39'42" W, 199.81 feet, (3) S 86°58'54" W, 67.96 feet to the point of beginning containing 10.915 acres of land being subject to a 60 foot easement along the south line of this tract conveyed to L. K. Rivers and recorded in Volume 222, Page 108 of the Deed Records of Waller County, Texas.

SUBJECT TO:

Right-Of-Way Easement 1706002

Easement 222/108

Easement 944459

- Corrects Easement 347/165

Easement 343/65

Right-Of-Way 505/481

Ingress/Egress Easement in Deed 480/523

TRACT 2

A tract or parcel of land containing 1.01 acres (43,918 Square Feet), being out of a certain called 10.915 acre tract known as Tract 3 as per partition deed recorded in Volume 314, Page 699 of the Waller County Deeds Records, (W.C.D.R.), situated in the McLin Bracey Survey, Abstract No. 15, in Waller County, Texas. Said 1.01 acre tract being that same tract recorded in Volume 1067, Page 610 W.C.D.R. and more particularly described by metes and bounds as follows: (Bearing are based in Volume 603, Page 593 W.C.D.R.)

COMMENCING at an iron rod found in the east line of Muckleroy Road (40 feet road assessment) marking the southeast corner of said 10.915 acre tract and the west line of a certain called 22.921 acre tract recorded in Volume 530, Page 11 W.C.D.R.;

THENCE N 00°37'07" W, along the common line of the east line of said 10.915 acre tract with the west line of said 22.921 acre tract with the west line of said 22.921 acre tract, a distance of 60.00 feet to an iron rod set marking the southeast corner and POINT OF BEGINNING of the herein described tract and northeast corner of a certain called 60-foot wide access easement recorded in Volume 222, Page 108 and Volume 505, Page 481 of the W.D.C.R.;

THENCE S 87°58'53" W, across said 10.915 acre tract and the common line of the south line of the herein described tract with the north line of said access easement, a distance of 293.00 feet to an iron rod set in the west line of said 10.915 acre tract and east line of Rex tract recorded in Volume 347, Page 162 W.C.D.R. marking the southwest corner of the herein described tract;

THENCE N 00°31'24" W, along the common line of the west line of said 10.915 acre tract and the herein described tract with the east line of said Rex tract, a distance of 150.00 feet to an iron rod found marking the northwest corner of the herein described tract and the southwest corner of McCullough tract Recorded In Volume 603, Page 593 W.C.D.R.;

THENCE N 87°58'53" E, across said 10.915 acre tract and the common line of the north line of the herein tract with the south line of said McCullough tract, a distance of 292.75 feet to an iron rod found in the east line of said 10.915 acre tract and the west line of aforesaid 22.921 acre tract marking the northeast corner of the herein described tract and the southeast corner of said McCullough tract;

THENCE S 00°37'07" E, along the common line of the east line of said 10.915 acre tract and the herein described tract with the west line of said 22.921 acre tract distance of 150.00 feet to the POINT OF BEGINNING containing 1.01 acres of land.

EASEMENT:

Together with 60 feet right-of-way easement described in Volume 222, Page 108, Deed Records, and a 30 feet Ingress/Egress rights from the North right-of-way of said easement to the above-described Property granted and retained in said instrument.

Therefore, IT IS HEREBY ORDERED that:

8. The United States' Motion for Final Order of Forfeiture is GRANTED. The Property, described in paragraph 7 above, is hereby forfeited to the United States free and clear of all interests, including any interest of Defendant, Ana Miriam Guerra, the taxing authorities, and all other potential claimants. Clear title to the Property is now vested in the United States.

9. The Property shall be disposed of according to law. Upon the closing of the sale for the Property, the United States Marshals Service (USMS) or its designee shall pay out of the net proceeds of the sale, as that is defined below, to the extent that funds are available, the amounts

due to the taxing authorities for unpaid real estate taxes, along with accrued interest up to the date of the Final Order of Forfeiture.

10. Net proceeds are defined as the gross sales proceeds the USMS realizes from the sale of the Property, less the following amounts the USMS or its designee will pay, in the following priority, to the extent that sufficient gross sales proceeds are available to pay these amounts:

a. Any and all costs of sale, including real estate commissions, escrow fees, document recording fees not paid by the buyer, title fees, county/city transfer fees, and all other costs and expenses that the USMS incurs in connection with the seizure custody, management, maintenance, repair, and sale of the Property;

b. Any and all outstanding property taxes to the appropriate county assessor and tax collector, to the date of the entry of the Final Order of Forfeiture, special assessments and any other governmental assessments imposed by statute. The amount of outstanding taxes, including interest and penalties owed to the taxing authorities assessed through May 2021 is \$52,350.42, which will be paid upon final sale and disposition of the Property.

11. The Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Attention: Assistant United States Attorney John Noh, 1000 Louisiana, Suite 2300, Houston, Texas, 77002.

12. The Court shall retain jurisdiction for the purpose of enforcing the terms of this Order.

THIS IS A FINAL ORDER.

Signed on May 10, 2021.



LEE H. ROSENTHAL
United States District Judge